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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Olsen et al.

Application No.: 09/855,633

Group Art Unit: 2164

Filed: May 14, 2001

Examiner: Not yet assigned

For: METHODS FOR TRADE DECISION
MAKING

Attorney Docket No.: 10366-009

02/28/2002 TV0111 00000002 161150 09855633

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**PETITION UNDER 37 CFR 1.47(A) REGARDING
INVENTOR REFUSING TO SIGN DECLARATION****RECEIVED**
MAR 07 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTSCommissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner under 37 CFR § 1.47(a) to have the above-identified application examined without the signature of one of the listed inventors (Olivier Pictet) on the Declaration. The facts surrounding Mr. Pictet's refusal to sign are described below.

On or about Friday, February 8, 2002, Dr. Richard Olsen, the first-named applicant, received an email message from Mr. Pictet containing an express refusal to sign documents related to the application. A copy of that email message is attached.

Also, applicants' attorneys recently received a letter from Mr. Pictet's counsel Thierry Ulmann (identified in Mr. Pictet's email), stating that Mr. Pictet refuses to sign an assignment and alleging that certain references were not mentioned in the application. The letter shows that Mr. Pictet's counsel has received a copy of the application, as required by MPEP § 409.03(d). A redacted copy of that letter is attached.

Mr. Pictet's address is given in his email message:

Pictet & Cie
29, boulevard Georges-Favon
CH-1204 Geneva
Switzerland

The address of Mr. Pictet's attorney is given in the attached letter and in Mr. Pictet's email message:

Thierry Ulmann, Esq.
Ulmann & Couyoumdjelis
Attorneys at Law

14, rue du Conseil-General
1205 Geneva
Switzerland

Applicants respectfully request the grant of this petition. Please charge all required fees to
Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date February 13, 2002

Steven J. Underwood (Reg. No. 47,205)
24,615
For Francis E. Morris Reg. No.
PENNIE & EDMONDS LLP
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Enclosures

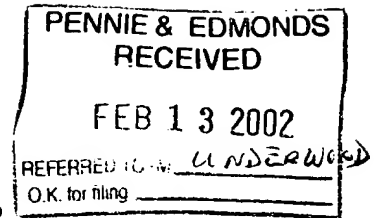
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Attn. Mr. Steven D. UNDERWOOD, Esq.

1205 GENEVA, 3 FEBRUARY, 2002
14, RUE DU CONSEIL-GENERAL

Dear Colleague,

Re: Dr. Richard B. OLSEN - OLSEN & ASSOCIATES

I am the attorney of Mr. Oliver PICTET in Geneva. Mr. PICTET was requested by your client mentioned under caption to assign for a consideration of one US dollar his rights on a method to be patented by your firm. My client has no intent at all to assign any of his rights to anyone. He is less eager than ever for this as Mr. OLSEN owes money to my client

I also provide in the enclosure some scientific references which are not mentioned in your patent application and which were published a long time ago.

Sincerely yours,



Thierry Ulmann, Esq.

Enclosures: mentioned

From: Richard Olsen <richardo@olsen.ch>
To: Steven Underwood <underwoods@pennie.com>, Frank Mo...
Date: Fri, Feb 8, 2002 8:59 AM
Subject: [Fwd: Patent]

Dear Steven,

It is really frustrating - Olivier Pictet does not want to sign the declaration.

How should we proceed? Can we afford to just forget about it?

Richard

Olivier PICTET wrote:

>
> Hi Richard,
>
> Sorry, after many discussions I decide to stay on my first position.
> So, as you seem to already believe, I will sign no documents.
> To continue this discussion, just contact my layer (Thierry Ulmann,
> rue du Conseil-Général 14, 1205 Genève) which take care
> of these things for me.
>
> Best regards,
> Olivier.
>
> -----
> This document should only be read by those persons to whom it is
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>
> -----
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>
> * NEW PHONE NUMBERS AS OF 1/1/2002! *
> * NOUVEAUX NUMEROS DES LE 1/1/2002! *
> -----